

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SOFTEX LLC,

Plaintiff,

vs.

**ABSOLUTE SOFTWARE CORPORATION
AND ABSOLUTE SOFTWARE, INC.,**

Defendants.

Civil Action No. 1:22-CV-01308

**JOINT MOTION FOR LEAVE FOR SOFTEX LLC TO
FILE A CLAIM CONSTRUCTION SUR-REPLY BRIEF**

Plaintiff, Softex LLC (“Softex”) and Defendants, Absolute Software Corporation and Absolute Software Inc. (“Absolute”), file this Joint Motion For Leave for Softex LLC to file a Claim Construction Sur-Reply Brief. The parties jointly seek leave to permit Softex to file a 5-page sur-reply brief due on January 5, 2024 limited to responding to the purported new evidence and/or arguments Defendants made in their Claim Construction Reply Brief.

In addition, Softex agrees not to re-depose Defendants’ expert on any claim construction arguments in, or declaration attached to, Defendants’ Claim Construction Reply Brief and Defendants agree not to re-depose Softex’s expert on any claim construction arguments in, or declaration attached to, Softex’s Claim Construction Sur-Reply Brief. Softex agrees not to introduce new claim construction arguments or evidence, other than expert testimony addressing the arguments and evidence relied upon in Defendants’ Claim Construction Reply Brief. In support, the parties show the Court as follows:

1. On December 13, 2023, Defendants filed their Reply Claim Construction Brief. Dkt. 63.
2. The proposed Claim Construction Sur-Reply Brief will respond to purported new evidence and/or arguments made in Defendants’ Claim Construction Reply Brief and will serve the interests

of justice by allowing the parties to fully and fairly present their claim construction arguments.

The sur-reply is not intended to and will not cause undue delay.

Dated: December 20, 2023.

Respectfully submitted,

/s/ Reuben H. Chen

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically on December 20, 2023, with the Clerk of the Court for the Western District of Texas by using the CM/ECF system, causing electronic service upon all counsel of record.

/s/ Blair M. Jacobs

Blair M. Jacobs